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SENATE BILL 283

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Gay G. Kernan

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING FOR RETURN TO EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001, Chapter 283, Section 2) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED-- ADMINISTRATIVE UNIT CONTRIBUTIONS. --

A. Except as provided in Subsection B of this section, beginning January 1, 2002 and continuing until January 1, 2012, a retired member may begin employment at a local administrative unit and shall not be required to suspend retirement benefits if the member has not been employed as an employee or independent contractor by a local administrative unit for at least twelve consecutive months from the date of

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1 retirement to the commencement of employment or reemployment
2 with a local administrative unit. If the retired member
3 returns to employment without first completing twelve
4 consecutive months of retirement, the retired member shall
5 remove himself from retirement.

6 B. A retired member who was retired on or before
7 January 1, 2001, has not since suspended or been required to
8 suspend retirement benefits pursuant to the Educational
9 Retirement Act and is reemployed by a local administrative unit
10 may continue employment at the local administrative unit and
11 shall not be required to suspend retirement benefits.

12 [~~B.-~~] C. A retired member who returns to employment
13 during retirement pursuant to Subsection A or B of this section
14 is entitled to continue to receive retirement benefits but is
15 not entitled to acquire service credit or to acquire or
16 purchase service credit in the future for the period of the
17 retired member's reemployment with a local administrative unit.

18 [~~C.-~~] D. A retired member who returns to employment
19 pursuant to Subsections A or B of this section shall not make
20 contributions to the fund as specified in the Educational
21 Retirement Act; however, the local administrative unit's
22 contributions as specified in that act shall be paid to the
23 fund as if the retired member was a non-retired employee. "